

### **Remarks**

This amendment is responsive to the official action of Paper No. 08272004, mailed September 9, 2004, and is accompanied by a petition for extension under 37 C.F.R. §1.136(a) and the required fees (by Deposit Account charge) for a one month extension and for presentation of two additional independent claims over the number for which fees were previously paid. The total number of claims is reduced. No new matter is presented.

Restriction was required between Group I, drawn to a system for measuring thermal expansion with a temperature indicator, and Group II, drawn to a siding installation method. Applicant provisionally elected Group I, claims 1-14 and 28, with traverse. Applicant hereby affirms its election. However applicant continues to traverse the restriction requirement with respect to claims 22-27, which in fact are apparatus claims. Claims 22-27 appear to have been grouped inadvertently with the siding installation method claims.

Claims 22-27 are somewhat more specific than claims 1-14 in that claims 22-27 are directed to a siding panel, whereas claims 1-14 are more broadly directed to a component. Under these circumstances, claims 22-27 should be considered included in the elected group. Applicant requests that the examiner reconsider and rejoin claims 22-27 for further prosecution.

Nonelected method claims 15-21 have been canceled, without prejudice. Claims 22-27 have not been canceled, subject to reconsideration by the examiner. If restriction still should be required as to claims 15-21 and the remaining claims are considered allowable, applicant requests telephone notice and an opportunity to authorize their cancellation by examiner amendment.

In the official action, allowable subject matter was indicated for claims 4 and 6-14, which were considered allowable but for their depending from claims 1-3 or 5, which

were rejected over prior art. Claim 28 was allowed, subject to correction of a formal objection under 35 U.S.C. §112, second paragraph, and objections were made to the specification and certain other claims on formal grounds.

By this amendment applicant has corrected the specification and claims for formal matters and has placed claims 4 and 6-14 into allowable form. Claims 4, 6 and 7 each now incorporate the base and intervening claims. Claims 4 and 6-14 are allowable in accordance with the official action.

Claim 5 has been canceled. Claims 1-3 (and also non-elected apparatus claim 22) have been amended to more particularly define the invention and to better distinguish over the prior art.

Applicant's invention is particularly but not exclusively concerned with the proper mounting of exterior siding panels on buildings. In order to deal with installation problems associated with thermal expansion, applicant provides a combined temperature sensor and distance indicator, matched to the thermal expansion of the siding panel or other component between an indicated point and a reference point on the component at a distance from the indicated point.

Among the cited references are disclosures of thermal expansion sensors and temperature sensors. As the examiner's comments have pointed out with respect to Wachtler (US 5052121), the thermal expansion of a component is inherently a form of temperature indication. In Wachtler, a diameter gauge is provided for determining whether a railroad axle remains within nominal dimensions, and the gauge is made in a way that varies the measurement with thermal expansion so as to remove thermal variation from the go/no-go diameter discrimination measurement. However, in the context of applicant's invention, it is not sufficient that the component expands with temperature by some nominal or measurable or predetermined amount. In fact, the expansion of a component to be included in an assembly without an additional indication of how much the component has expanded, is the problem with component installations that applicant has solved.

Claims 4, 6 and 7 were considered allowable by the examiner and each defines a distance aspect of the temperature indication, which reflects thermal expansion over a base distance from a reference point. In addition to placing those claims in independent form, applicant now has amended claim 1 to better recite the temperature/distance relationship.

According to claim 1 as amended, the temperature sensor provides a visual indication of the current temperature sensed by the temperature sensor by identifying a temperature indicating point corresponding to the current temperature on a scale of temperatures versus distances, wherein said expansion and contraction of the component according to said thermal expansion characteristic substantially corresponds spatially, at the current temperature, to a location of the temperature indicating point along said scale of temperatures versus distances. This aspect of the invention claimed as a whole is not met by thermal expansion measurements *per se*. This aspect is the invention as a whole is not met by thermal expansion markings on a component that are independent of sensed temperature.

It is true as the examiner's comments point out that a thermally expansive component is inherently a temperature sensor. Thus, if one knows the current temperature, and one has decided on a base length (at some other temperature) from some reference point over which thermal expansion is to be judged, then one has the necessary tools to assess the current state of expansion of the panel. As stated in the specification, some manufacturers of siding panels already include hatch marks on the panels to represent the recommended inter-panel gap at different temperatures (see specification at paras. [0050]-[0051]). However, those panels do not provide for a temperature measurement technique that reflects the expansion and gapping information according to the current temperature determined by a temperature sensor. Moreover, those panels lack a spatial temperature readout laid out to identify and correspond to the currently correct gap, as disclosed and claimed by applicant. In order to use a thermally expansive component as an inherent temperature sensor, one needs a spatial reference, such as a length reference that is independent of thermal expansion.

Applicant has discovered that it is possible to embody a temperature sensor such that the indicated temperature is presented in a manner that presents incrementally different distances with different temperatures, and to arrange the distances so that the temperature sensor provides the necessary expansion and gapping information for a component of given base size (distance to a reference point) and given thermal expansion characteristics. The invention claimed as a whole is not found or suggested in the prior art of record. The invention claimed as a whole is not disclosed in the prior art and is not shown to have been obvious.

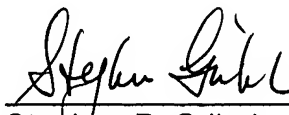
Applicant is pleased to note the indication of allowable subject matter as to certain claims, which are now in condition for allowance. Claims 1-3 have been narrowed to rely upon at least part of the same subject matter and are also believed to be allowable. Claims 22-27 are properly considered among the elected subject matter, and with amendment of claim 22 to better distinguish over the prior art, should be rejoined and allowed.

Therefore, applicant requests reconsideration and allowance of claims 1-4, 6-14, 22-27 and 28.

Respectfully submitted,

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